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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,764	09/18/2003	Philippe Arlon	1948-4818	6812
27123	7590	07/12/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	<b>Application No.</b> 10/665,764	<b>Applicant(s)</b> ARLON, PHILIPPE	
	<b>Examiner</b> Anabel M. Ton	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 9, 11, 13 and 20 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 12 and 14-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant recites the connecting means comprising "a lug for fixing". It is unclear which lug applicant is referring to since applicant has only mentioned 1 lug in previous claims and it is unclear whether or not applicant is intending to refer to another lug of the previously mentioned lug.

### ***Claim Objections***

Claims 5 and 6 are objected to because of the following informalities: Claim 6 is indefinite as it recites an improper Markush group. See MPEP § 2173.05(h) I. *Ex parte Markush*, 1925 C.D. 126 (Comm'r Pat. 1925). Alternative expressions are permitted if they present no uncertainty or ambiguity with respect to the question of scope or clarity of the claims. However, in this case applicant recites in claim 6 a multitude of possible shapes of the perforations. Furthermore applicant recites that the perforation may be "possibly circular or oval". This statement is indefinite since it does not state specifically which shape the perforation is. Applicant recites in claim 5 that the lug's body is perforated or unperforated. Appropriate correction is required.

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1. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "lug" in claims 3-7,9,11-20 is used by the claim to mean "a connecting portion for fixing to a housing ", while the accepted meaning is "a nut used to secure a wheel an on automotive vehicle." The term "one local contraction" in claim 5 is used by the claim to mean "a deformation of the perforation of the lug under traction ", while the accepted meaning is "to reduce to smaller size by or as if by squeezing or forcing together; drawing together of surface or particles or a reduction of area or length". The term is indefinite because the specification does not clearly redefine the term.

2. As best understood the following rejection applies

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,3-6,11,13,20 are rejected under 35 U.S.C. 102(b) as being anticipated by Oh (6,471,386).

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Oh discloses a housing enclosing a light source (fig 1), fixed on a chassis (17), which comprises means for connecting the housing to the chassis (11-15) these means being deformable in a plastic way and capable of absorbing at least part of the energy of an impact on the headlamp wherein the connection means operate by one of traction (col. 2 lines 48-55, col. 3 lines 13-36), the connecting means comprise at least one lug (11) for fixing the housing to the chassis, this lug being capable of stretching under the effect of an impact on the headlamp (col. 3 lines 13-17,33-36, with regards to the lug being capable of stretching under the effect of a headlamp, Oh discloses the portion mounting boss and rivet having a two divided portion can absorb an impact efficiently. The mounting boss will stretch since inherently the material of the mounting boss must deform momentarily during impact); the lug comprises a perforated body (bolt 14 perforates body 11) extended at one end by a front part fixed to the chassis, and at the other end by a rear part fixed to the housing, the body being capable of stretching under the effect of traction exerted on at least one of said parts; the lug comprises a body, perforated or unperforated, having at least one local contraction of the cross section (the mounting boss has two members contracting dependent on the angle of the impact); the perforation of the body is circular .

- Oh discloses a housing enclosing a light source fixed on a chassis which comprises means for connecting a the housing to the chassis these means being deformable in a plastic way and capable of absorbing at least part of the energy of an impact on the headlamp wherein the connecting means can operate by bending wherein the connecting means comprise a lug for fixing the housing to

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the chassis, this lug being compressible under the effect of an impact on the headlamp (fig 2b, 3b, col. 3 lines 18-40);

- A headlamp for a motor vehicle, comprising a housing enclosing a light source, fixed on a chassis, which comprises means for connecting the housing to the chassis, these means being deformable in a plastic way and capable of absorbing at least part of the energy of an impact on the headlamp, wherein the connecting means can operate by bending and wherein the connecting means comprise a spacer interposed between the housing and the chassis (fig 2b, 3b, col. 3 lines 18-40, spacer is considered to be the opening where the bolt goes through the mounting boss).

***Allowable Subject Matter***

3. Claims 6,7,12,14-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach the following: the fixing lug has a corrugated mental central portion, the lug having a u-shaped profile and comprising approximately two parallel branches.

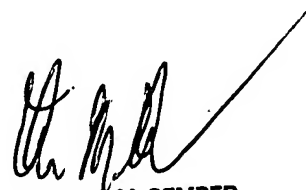
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton  
Examiner  
Art Unit 2875

AMT



THOMAS M. SEMBER  
PRIMARY EXAMINER